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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,098	07/29/2003	Roger John Hill	03-001 (ANSI01-00013)	8483
37372	7590	01/19/2006	EXAMINER	
FULBRIGHT & JAWORSKI, L.L.P. (ANS)			KAHELIN, MICHAEL WILLIAM	
2200 ROSS AVENUE			ART UNIT	
SUITE 2800			PAPER NUMBER	
DALLAS, TX 75201-2784			3762	

DATE MAILED: 01/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/630,098	HILL, ROGER JOHN	
	<b>Examiner</b>	<b>Art Unit</b>	
	Michael Kahelin	3762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,4-7,10,22-25 and 27-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,4-7,10,22-25 and 27-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Response to Amendment***

1. Cancellation of claims 2, 3, 8, 9, 11-21, and 26 is acknowledged.

### ***Specification***

2. The amendments to the specification are acknowledged and accepted. The objections to the drawings, corresponding to the corrected reference numerals, made in the previous Office Action are therefore withdrawn.

### ***Claim Rejections - 35 USC § 112***

3. The amendments to claims 4 and 7 to overcome the rejections under 35 USC 112(2) are acknowledged and accepted. Consequently, the rejections under 35 USC 112(2) are withdrawn.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1, 4-7, 10, 22-25, and 27-35 have been considered but are moot in view of the new ground(s) of rejection, necessitated by amendment.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1, 4-7, 10, 22, 23, 25, and 27-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchida et al. (US 5,092,333 hereinafter "Tsuchida") in view of Molacek et al. (US 5,303,704 hereinafter "Molacek").

7. In regards to claims 1, 4, 6, 7, 10, 22, 23, 27-30 and 32-35, Tsuchida discloses the essential features of the claimed invention, including a connector (6), electrode (3), conductor (4), a plurality of expansion sections longitudinally spaced along the lead (1c, 2a, and col. 3, line 25) containing slack for the conductor (col. 3, line 3), and wherein stretching the lead results in the slack being taken up and the distance between electrode and connector being increased (col. 1, line 52). Furthermore, Tsuchida discloses a diameter of the expansion sections are at least two times (col. 3, line 1) that of the adjacent portion (col. 2, line 63), the expansion portions form expansion rings (Fig. 1), the conductors substantially conform to the shape of the rings (Fig. 1), the expansion sections are bubble-shaped (Fig. 1), the body is formed of a continuous body of insulative material and has an increased diameter of insulative material at the expansion sections (col. 3, line 32 and Fig. 1). Please note that Examiner is interpreting Tsuchida's catheter as a lead because it is a means to connect circuit elements.

8. Tsuchida does not disclose providing multiple electrodes, conductors, and connectors, or a stimulus source, which comprises an implantable pulse generator, and is controlled by a controller. Molacek teaches of providing a lead with multiple electrodes, conductors, and connectors (Fig. 1) to provide bipolar stimulation or stimulation to several areas of the body, and a stimulus source (col. 1, lines 8 and 46), which is an implantable pulse generator and (inherently) controlled by a controller to provide long-term therapy without the morbidity associated with transdermal leads. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide Tsuchida's invention with lead with multiple electrodes, conductors, and connectors to provide bipolar stimulation or stimulation to several areas of the body, and a stimulus source which is an implantable pulse generator and controlled by a controller to provide long-term therapy without the morbidity associated with transdermal leads.

9. In regards to claims 5 and 31, Tsuchida in view of Molacek discloses the claimed invention but does not disclose expressly the expansion sections are spaced less than one inch apart. It would have been an obvious matter of design choice to a person of ordinary skill in the art to modify the expansion sections as taught by Tsuchida in view of Molacek with the less than one-inch spacing because applicant has not disclosed that one inch spacing provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with the expansion sections as taught by Tsuchida in view of Molacek because both leads comprise a plurality of expansion

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sections that will prevent breakage. Therefore, it would have been an obvious matter of design choice to provide the modified invention of Tsuchida with expansion sections less than an inch apart to obtain the invention as specified in the claims.

10. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchida in view of Molacek as applied to claim 22 above, and further in view of Hrdlicka et al. (US 5,443,486 hereinafter "Hrdlicka"). The modified invention of Tsuchida discloses the essential features of the claimed invention except for a source with an RF receiver. Hrdlicka teaches of providing an implantable stimulus source with an RF receiver (120) to provide programming capability to the stimulator. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the modified invention of Tsuchida with an RF receiver to provide programming capability to the stimulator.

### ***Conclusion***

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Kahelin whose telephone number is (571) 272-8688. The examiner can normally be reached on M-F, 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MWK



  
GEORGE R. EVANISKO  
PRIMARY EXAMINER

1/17/6